

November 14, 2005

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TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
NOVEMBER 14, 2005

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN  
MICHAEL REIS  
KATHLEEN LOCEY  
HOWARD BROWN

ALSO PRESENT: MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
ZONING BOARD ATTORNEY

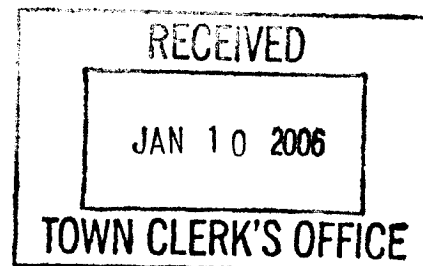
MYRA MASON  
ZONING BOARD SECRETARY

ABSENT: LEN MCDONALD  
STEPHEN RIVERA  
KIMBERLY GANN

REGULAR MEETING

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MR. KANE: I'd like to call the November 14, 2005  
meeting of the New Windsor Zoning Board of Appeals to  
order.



PRELIMINARY MEETINGS:

SAM\_IANNOLO, \_JR.\_ (05-69)

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MR. KANE: Request for 23 ft. front yard setback for proposed deck at 5 Elizabeth Lane.

Mr. and Mrs. Sam Iannolo appeared before the board for this proposal.

MR. KANE: Tell us what you want to do. In New Windsor, the way we do it is we have two hearings, one's a preliminary hearing so that we can get an idea of what you want, make sure you have everything you need so that we can make the proper decision other towns you go in cold, if you don't have what you want, you lose. So what we do here tonight we'll do the same in a public hearing because that decision can only be made via a public hearing. So just tell us what you want to do.

MRS. IANNOLO: We want to put a deck off of the enclosed porch that we have that would go onto our driveway partially and that's it. Evidently, there's 50 feet that we need and we live 23 feet from a property line but there's an empty lot next door.

MR. KANE: Mike, are they here because this is a--is this a corner lot?

MRS. IANNOLO: Yes.

MR. KANE: So they have two front yards?

MR. BABCOCK: It's actually on a turn in the road, the road actually goes down and makes a turn so it develops a corner lot.

MR. KANE: Show me on that picture where you want to put the deck.

MRS. IANNOLO: The deck is going to go the length of this enclosed porch and then around to the side, there's other pictures that I gave that shows, that are, yup, that's where we put the french doors where the deck is going to sit and it's just going to wrap around.

MR. KANE: So this portion here is considered the front yard?

MRS. IANNOLO: No, that's the back yard, there's other pictures that show it better, this right here, it's going to go the length of this and then into the corner here and the dimensions are on the plans that I submitted.

MR. BABCOCK: Mr. Chairman--

MR. KANE: Just doesn't look like it's in the front yard.

MR. BABCOCK: I have to correct that actually I thought they owned all the way out to Elizabeth Lane, they don't so that--

MR. KANE: That's why I'm a little confused, doesn't look like they need to be here.

MR. BABCOCK: Facing your house standing on Elizabeth Lane to the left-hand side is where they're talking about?

MR. KANE: Right, just right out to the driveway and back.

MR. BABCOCK: Right.

MR. KANE: So it's the side, it's not a front.

MR. BABCOCK: Right.

MR. KANE: And let's going back to the back, so this is your makeshift drawing and from where the edge of the deck is going to be it's you're saying you have 44 feet to the property line, is that what this is and 50 feet to the house?

MRS. IANNOLO: No, I put that there because that was what you guys were saying was needed, not knowing the exact measurements until after the fact.

MR. BABCOCK: Mr. Chairman, I have a survey here enclosed porch see the diagram that says enclosed porch that's 28.2 feet from the property line, they want to go beyond that 6 feet so they would be 22 feet off the property line.

MR. KANE: And the side property line is 12?

MR. BABCOCK: In this zone I don't think so, I think it's 20, Mr. Chairman, so it appears they don't need to be here.

MR. KANE: That's what I'm saying.

MRS. IANNOLO: That's good news but bad news because we're waiting all these months to get this done now we can't do anything.

MR. KANE: Just the way I'm looking at it just didn't seem like the front yard to me. Let's make sure, let's doublecheck, how far out now you have, you're coming out these doors here and you have a deck here?

MRS. IANNONO: Six feet.

MR. KANE: About how wide is the deck going to be and how much space do you have from the end of the proposed deck to the property line?

MRS. IANNOLO: That side of the deck is only going to be six feet wide.

MR. KANE: How far from the end of the deck to your property line?

MRS. IANNOLO: Twenty-two feet.

MR. BABCOCK: Well, the numbers that they put I'm not sure whether they put the numbers on this plan or not but the numbers on this plan are not right, that's where the problem is, I don't understand quite honestly.

MRS. IANNOLO: From my makeshift drawing you mean?

MR. BABCOCK: Yeah but Mr. Chairman they don't need to be here.

MRS. IANNOLO: So what do we do at this point then, the permit will be issued and we're done?

MR. BABCOCK: Yes.

MRS. IANNOLO: So the variance and all those letters don't have to be mailed or anything?

MR. BABCOCK: No.

MR. KANE: Time to go home and watch some football.

MR. BABCOCK: Are you coming out to the front anymore?

MRS. IANNOLO: No.

MS. MASON: Maybe they thought it was a corner lot.

MR. BABCOCK: I did too honestly thought, I haven't looked at this plan, I don't know who you were working

with, you were working with Frank.

MR. IANNOLO: We were told we had to be 50 feet from our porch to the property line.

MR. BABCOCK: Well because Elizabeth Lane goes around they thought you owned all the way out to Elizabeth Lane.

MR. KANE: See when you're on a corner property in New York State you have two front yards and that's originally when I look at it because you have the bend and that's probably where they got confused thinking that you have two front yards then yes those dimensions would be needed to put the deck up, that's not the case, your property isn't even on a curve, there's another piece of property so you've got one front yard and time to go home.

MRS. IANNOLO: So what's going to happen now, am I going to get a letter confirming this conversation?

MR. BABCOCK: We'll get you a building permit then we'll get your money back for whatever.

MR. KANE: Thank you. That's why we have preliminaries.

DR.\_MICHELE\_WINCHESTER-VEGA\_(05-70)

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MR. KANE: Request for .55 acre lot area and 20 ft. front yard setback and 4.9 ft. side yard setback and 23% developmental coverage and .5 parking spaces for proposed addition to existing doctor's office at 330 Blooming Grove Turnpike.

Mr. Anthony Coppola and Dr. Winchester-Vega appeared before the board for this proposal.

MR. COPPOLA: Try to do this quickly.

MR. KANE: Just need you to state your name for in this young lady.

MR. COPPOLA: Anthony Coppola, I'm the architect who prepared the plans. This is a referral from the planning board, we have already been to the planning board and what we're proposing is essentially a one story rear yard addition to an existing medical office building. This is a lot that has two front yards Route 94 and Caesar's Lane. Just to go over the proposal quickly there's an existing kind of one and a half story frame building that's a medical office building, there are a number of different doctors in the building the total of square footage of what we have there is basically 1,550 medical office and 850 regular office, that's what's existing. What's proposed is a new one story, single story 765 square foot addition in the rear which is actually the front yard of Caesar's Lane. So there's three variances that we think we need then we need, I wanted to talk about the sign. The existing setback on Caesar's Lane here is 28.2 feet, we're coming about 3 feet closer to the setback over there, so that's 25 feet proposed and I believe 40 feet is required, if that's new, I'm sorry, 45 feet is required if that's new on the side yard so we're coming three foot closer than what's existing right now. The second variance is for developmental coverage which is the, I

don't know if that's the building and the hard surfaces or just the building, it's the building and the, so it's all our surfaces so that calculation I have been told what's required is extremely low but that's how the zoning ordinance is written, it's 20 percent. What we're proposing is 37 percent, I'm sorry, what we're proposing is 43 percent, what's required is 20 percent so that's all the hard surfaces of the parking and the building with the addition. Now we're only proposing a very, very small increase in the parking lot, we're proposing two new parking spaces right off Route 94, we're proposing the elimination of the entrance on Caesar's Lane so actually some pavement that's going to be removed there and it's probably about from what we're adding on the corner here and what we're taking away is probably about the same. So aside from the addition it's a very, very small increase in the hard surfaces here that's being removed, we're reconfiguring the parking and we're adding two spaces there and the handicapped space there. So that's more or less kind of an existing condition that because of this expansion we're asking for that variance. And then lastly with the parking calculation what we were asked to do at the planning board was break our parking down a number of different ways so there's a table on the plan that shows basically the existing parking and then the proposed parking. And what it's basically showing even though there's all different numbers in here what it's basically showing is that we have a deficit right now of five parking spaces, in other words, if you calculated the square footage what's there right now compared to the parking required for what's there right now we're five below what we should need and then basically by adding the parking over here and reconfiguring our lot and eliminating that entrance what I'm saying here is even with the addition we'll still have that same five space deficit that we have right now. So in effect we're really not making the off-street parking I mean any worse or any better but the plan and we presented this to the Town Board and



the planning board wanted us to present it to the zoning board, we knew we had to come for a variance for the other, so that's basically what we're including in our variance. And then the last item is just the sign and I went to the regulations and I believe that the regulations call for a maximum of sign square footage of 64 square feet which would be 32 feet, 32 square feet per side and we're there's an existing two sided sign, this is the existing two sided sign but because of the number of names that we're going to need on there we feel we probably want to ask for a variance on the sign too. So the existing sign is going to be expanded, we're probably going to move it higher, put it in a planter with landscaping underneath it, we'll probably illuminate it from below and we'll probably ask for a variance on that of 100 square feet up from the 64 so that would be, to 100 from the 64 so that would give us 50 square feet per side versus the 32.

MR. KANE: You had said raised it, you're not going to go over the 15 foot especially on that road?

MR. COPPOLA: No, I saw that too, we'd be okay below that.

MR. KANE: The other question I have I don't have a problem basically with anything that's going here, I don't know about the other members, the question I do have was the recommendation to close the driveway off Caesar's Lane just knowing 94 in that particular area, is that a wise move to cut out that exit?

MR. COPPOLA: Well, it's really something that the planning board didn't ask us to do, it's something that we proposed doing and it's really just out of the need to provide parking, you know, if you ask the DOT they would not like to us to do that I'm sure because that does put more traffic on Route 94. But for this small of a parking lot and I think Michele has thought about this, I'm not really sure you need two entrances and we

certainly don't want to give up that entrance on 94 but we do gain really about three parking spaces in that corner because without that being there you really can't make, you lose a lot of spaces.

DR. VEGA: Well, I'd prefer not to of course but if it's required by the planning and the zoning board to expedite things we would do that, I agree there's almost an accident on that corner all the time, but it's really about trying to make sure that we have adequate office space which we have been needing for the last couple years for storage of files and for, you know, office space.

MR. KANE: The only thing I would ask is that for the public hearing if you could just take a look at the parking if there's a way to present it even if we've got to give you a variance for two more spaces or something like that to keep that curb cut open, not saying it's written in stone, it may be that there's nothing you can do. I know with Cumberland Farms right there that's a tough, tough corner, so one exit going out onto 94 especially if somebody wants to make a left is going to be tough.

MR. COPPOLA: We've looked at parking back over here, there's really no way to do another right because of the angular nature of it so we'll take a look.

MR. KANE: Because it is important, we'll address it at the public hearing a bit, it's, I don't think it's a deal breaker at all, but it's something I definitely want to look at.

MR. COPPOLA: Okay.

MR. KANE: How about you guys, any other questions?

MR. REIS: Your rear exit, is there going to be a rear exit?

MR. COPPOLA: There's, I'll show you the plan real quickly. The plan, there's an existing as you come in the front door there's two offices on that level and a small waiting room in the rear, we're expanding that by 28 feet, 27 feet width and expanding the waiting room in the rear and there's a rear door to there, then there's three new offices and new handicapped bath in the rear there so there will be an entrance that's not going to be for clients, clients will still come in the front door and we're actually not a hundred percent sure it will be there maybe in the back but that's what we're proposing right now.

MR. KANE: Any questions?

MR. BABCOCK: I don't seem to have any paperwork for the sign, is there paperwork?

MR. COPPOLA: No, we didn't give you guys paperwork.

MR. BABCOCK: You're going to do that before the public hearing so we can get that on the agenda?

MR. COPPOLA: Yes.

MR. KANE: It needs to be in the paper for the public hearing so you want to jump on that.

MR. BABCOCK: You need a permit application and diagram of the sign.

MR. COPPOLA: We'll fill out a sign permit application.

MR. BABCOCK: Yes.

MR. KANE: This way we can handle everything in one shot.

MR. BABCOCK: They can do that right through my office.

MR. KANE: I'll accept a motion.

MR. REIS: Make a motion we set up Dr. Michele Winchester-Vega for the requested variance for .55 acre lot area, 20 foot front yard setback and 4.9 foot side yard setback and 23 percent developmental coverage. Is that actually what it is?

MR. COPPOLA: It's a variance of 23 percent.

MR. BABCOCK: Yes and the sign.

MR. KANE: And the sign additional 36 feet.

MR. COPPOLA: Correct.

MR. REIS: Sign additional 36 square feet, five parking spaces for proposed addition to an existing doctor's office at 339 Blooming Grove Turnpike.

MR. BROWN: Second the motion.

ROLL CALL

MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

MR. COPPOLA: Thank you very much.

LEWIS\_EVANGELISTO\_(FOR\_DETORO)\_(05-71)

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MR. KANE: Request for garage, 7 ft. wide yard setback and 1.2 ft. rear yard setback, shed, 7.5 ft. side yard setback, house, 17.5 ft. front yard setback and 1.5 ft. side yard setback for existing garage, shed and house at 45 Merline Avenue.

Mr. Lewis Evangelisto appeared before the board for this proposal.

MR. EVANGELISTO: I need variances so I can get a C.O.

MR. KANE: Let's handle one at a time, well, the garage, shed and house, how long have they been there?

MR. EVANGELISTO: Since 1975.

MR. KANE: Shed was there at about the same time?

MR. EVANGELISTO: Say maybe ten years later.

MR. KANE: We'll call that '85. Any complaints formally or informally about that?

MR. EVANGELISTO: No.

MR. KANE: Will you be creating any water hazards?

MR. EVANGELISTO: No.

MR. KANE: There's certain questions I have to ask. Was there cutting down of any trees or substantial vegetation in the building of either of these?

MR. EVANGELISTO: No. The man is in a nursing home, I have to sell it, I have power of attorney.

MR. KANE: Any easements that would be in the way of a shed?

MR. EVANGELISTO: No.

MR. KANE: Garage attached or detached?

MR. EVANGELISTO: Detached.

MR. KANE: No easements through the garage?

MR. EVANGELISTO: No.

MR. KANE: You're sure of the numbers that are on here?

MR. EVANGELISTO: Yes.

MR. KANE: Any questions? I've got pictures everybody.  
Okay, I'll accept a motion.

MS. LOCEY: I'll offer a motion to schedule a public hearing on the application of Lewis Evangelisto for Thomas Detoro for request for a .7 foot side yard setback and 1.2 foot rear yard setback for an existing garage, a 7.5 foot side yard setback for existing shed and 17.5 foot front yard setback and 1.5 foot side yard setback for an existing house all at 45 Merline Avenue.

MR. REIS: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

JORG\_FRISCHNECHT\_(05-72)

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Mr. Jorg Frischknecht appeared before the board for this proposal.

MR. KANE: Request for 7 ft. maximum building height for proposed detached two-car garage at 2 Oak Ridge Drive. Tell us what you want to do, explain to us what you want to do.

MR. FRISCHKNECHT: Since you're so kind to know I'm an electrician, I have a van which is pretty high and I like to make my own maintenance and I want to install a lift so that's the reason why I need a higher height so I can lift the car inside the garage. The car is already high so I need, the car's 9 foot high anyway alone so I have to, it's five or six feet going up so I can work underneath.

MR. KANE: How far off the road will the garage be?

MR. FRISCHNECHT: Oh, it's far away, there's a plan.

MR. BABCOCK: It's 24 feet from the property line, Mr. Chairman, probably close to 40 feet from the edge of the pavement.

MR. KANE: Very strange lot.

MR. BABCOCK: Yes.

MR. FRISCHNECHT: Oh, yeah.

MR. BABCOCK: The setbacks of the garage meet the requirements except an accessory structure can't be more than 15 foot high.

MR. KANE: The height of this building won't be higher than any other buildings or accessory buildings in your neighborhood?

MR. FRISCHNECHT: I don't think so, including there's a 4 feet high of dirt that will go away so the garage will--

MR. KANE: Will actually sit a little lower than you think.

MR. FRISCHNECHT: Actually lower than my own house, yes.

MR. KANE: Will you be creating any water hazards or runoffs with the building?

MR. FRISCHNECHT: I don't think so.

MR. KANE: Cutting down substantial vegetation or trees?

MR. FRISCHNECHT: Well, trees, two went down but they were rotten so I had to sacrifice them anyway.

MR. KANE: Nothing substantial there?

MR. FRISCHNECHT: No.

MR. KANE: Any easements running in the area where the proposed garage is?

MR. FRISCHNECHT: No easements. You say utilities?

MR. KANE: Right-of-way utilities right through the property.

MR. FRISCHNECHT: No but my own sewer line goes pretty much along the fence.

MR. KANE: We're not too worried about that.

MR. FRISCHNECHT: I have only one neighbor, I have no



other neighbors.

MR. KANE: Any further questions?

MR. REIS: Accept a motion?

MR. KANE: I will.

MR. REIS: I make a motion we set up Mr. Jorg Frischnecht for requested 7 foot maximum building height for proposed detached garage at 2 Oak Ridge Drive.

MS. LOCEY: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

ROBERT\_MCKNIGHT,\_JR.\_ (05-73)

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Mr. Robert McKnight appeared before the board for this proposal.

MR. KANE: Request for 4 ft. side yard setback for proposed 24' x 24' attached garage at 51 Birchwood Drive.

MR. MCKNIGHT: It should be detached garage.

MR. KANE: Tell us again what you want to do.

MR. MCKNIGHT: When we first bought the house we had to go down a driveway and you go around a very sharp, it's a garage, a Schoonmaker home which we took out so straight down we want to put the garage straight down and right in.

MR. KANE: Right down in this area?

MR. MCKNIGHT: Yes. And if I went the ten foot I'd kind of have to go down off to the side.

MR. KANE: Any easements through the area where you intend to build the garage?

MR. MCKNIGHT: No.

MR. KANE: No substantial vegetation or trees?

MR. MCKNIGHT: Nothing.

MR. KANE: Will you be creating any water hazards? That looks like it slopes down, will you be building it up a little?

MR. MCKNIGHT: Yes.

MR. KANE: Any further questions? I'll accept a

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motion.

MR. BROWN: Make a motion that we set up Robert McKnight, Jr. for a public hearing request for a 4 foot side yard setback for proposed 24 x 24 detached garage at 51 Birchwood Drive in an R-4 zone.

MR. REIS: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

JOHN\_LEWIS\_(05-74)

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MR. KANE: Request to re-establish non-conforming residence use in PI zone at 113 River Road.

Mr. John Lewis appeared before the board for this proposal.

MR. KANE: Evening, sir.

MR. LEWIS: Good evening.

MR. KANE: Just need you to speak loud enough for this young lady.

MR. LEWIS: My name is John Lewis.

MR. KANE: Tell us what you want to do, sir.

MR. LEWIS: At the present moment, I have a piece of a lot out there on River Road, 1113 River Road presently zoned PI, Planned Industrial, prior to the present standing there was a three family property house that was there, residence that was demolished, it was abandoned and presently proposing to construct a single-family home there pretty much in the same local footprint that was previously there.

MR. KANE: How long ago was the house demolished?

MR. LEWIS: I could not find records of that, the closest records I got was '83, I don't know what happened after that.

MR. KANE: Since '83.

MR. LEWIS: Well, that's the last records I found, I don't know what happened after that.

MR. KRIEGER: In other words, it was used as a three

family in '83, what happened between then and now?

MR. LEWIS: The property just stood there and then I don't know when it was actually demolished.

MR. KANE: Do we have anything on that, Mike?

MR. BABCOCK: I have a letter dated '99 saying that it is scheduled for demolition. Is this the one of the houses the Town took down?

MR. LEWIS: Yes, that's one, the other one is up on the corner on John Street.

MR. BABCOCK: '98 there was a cost estimate so it was somewhere around '98-99.

MR. REIS: Are you the owner of the property, Mr. Lewis?

MR. LEWIS: Yes, sir.

MR. BABCOCK: You weren't the owner when we demolished it, were you?

MR. LEWIS: No.

MR. KANE: What size home?

MR. LEWIS: Proposed structure right now is 35 x 29, the adjacent piece that's there is an extra ten foot square footage, reason behind that was that when the adjacent property, the adjoining dwelling was measured it had 18 feet between that and the property line so proposing to go up to 20 and on the other side if the Town allows us to leave the 28 that's there and they show ten feet on the property if not we'll leave it as 25.

MR. BABCOCK: This lot's about, it's less than 10,000

square feet.

MR. KANE: Nothing in a PI zone that they can do with this piece of property.

MR. BABCOCK: Minimum lot size in a PI zone is 40,000 square feet.

MR. KANE: Okay, so you know I would be in favor in the public portion to keeping the building size like this so that you do have the 20 feet on one side and 28 on the other.

MR. LEWIS: Yes.

MR. KANE: Nothing with the home, well, we wouldn't handle that right now, right, 25 feet in the front is that enough?

MR. BABCOCK: Well, the problem we have is that since it's a PI zone there's no regulations for a home in a PI zone, so whatever the setbacks are, it's up to this board whether it's the right size house for that lot.

MR. KANE: At 25 feet off of River Road does the home extend further than the other couple homes that are right there?

MR. LEWIS: The property is 50 feet back from River Road, the proposed structure is going to be 50 feet back from River Road, the back is going to be 25 feet.

MR. BABCOCK: Well, according to the survey, it pretty much lines up with the house next door.

MR. LEWIS: Yes, we took a mirror image of the first property, flip it over and make adjustments.

MR. KANE: Any further questions?

MR. REIS: According to the pictures that you made available to us, thank you, you've got quite a dropoff there.

MR. LEWIS: Yes, there's that clearance in the back going to have a drop about approximately anywhere from 5 to 8 feet but there's as you see that foundation there I don't know if you got a chance to take a look at that, this gives you, you have a wall there, actually a wall there and the property when it comes in just going to create a, to keep the water running in one direction, same direction as the road.

MR. REIS: Do you have a garage?

MR. LEWIS: Actually, that's a driveway, proposed driveway over here in the corner.

MR. REIS: No garage?

MR. LEWIS: No, no garage.

MR. REIS: Thank you.

MR. KANE: Any other questions?

MR. REIS: Accept a motion?

MR. KANE: Andy pointed out true since there's been such a long space of time between the other use of it that rather than just a variance you're really going to need a use variance rather than an area variance type thing or even re-establish you still need a use variance. The problem with the use variance is that it becomes kind of tough to prove where the main thing being that you have to prove that you can't sell the property for a use that it's already zoned for which you should have absolutely no problem doing that and it also can't be self-created but you still while it is kind of self-created the size of the property dictates

that anybody that tried to build on it would have a problem anyway but the state mandates all that stuff so I think what we need to do is change his request to a use variance.

MR. BABCOCK: Andy, there's a section of the code that says that the zoning board can re-establish a non-conforming use, that's the section we're going by, that's why we knew that an area variance would be very difficult for him to accomplish a use variance, I mean.

MR. KRIEGER: Under normal circumstances, I would say so, these are not normal circumstances.

MR. BABCOCK: Well, the section of the code I don't have it with me but it reads that you cannot re-establish a non-conforming use if it hasn't been used in a period of two years which is I think we have done that for area variances before.

MR. KRIEGER: For re-establishing.

MR. BABCOCK: Right, we did that with the funeral parlor on the corner of Cedar Avenue and 94.

MR. KANE: Right, we did.

MR. BABCOCK: We used it as an area variance, that's why we wrote it up that way because it's a two year time limit.

MR. KRIEGER: In the case of the funeral parlor we got inside the two years for a question of use and longevity of use, you still needed certain area relief.

MR. KANE: Personally, I think probably the use is the best way to go, I don't see him having a problem getting it because there's nothing else you can do with this property.



MR. BABCOCK: We'll write up whatever way you want.

MR. KANE: I think that's the right way to cover it.

MR. REIS: I think to cover future potential sale you know take care of it now.

MR. KANE: Because we think '99 it got demolished but the paperwork basically goes to '83 so we're talking--

MR. KRIEGER: Talking more than two years any way you cut it.

MR. BABCOCK: Right.

MR. KANE: So let's write you up as a use.

MR. KRIEGER: My suggestion is he'll need to fill out a short form environmental assessment form use variance the board has to go through that for the SEQRA regulations.

MR. KANE: I think it's a better way to go.

MR. BABCOCK: Okay.

MR. KANE: Follow what we're saying?

MR. LEWIS: Yes.

MR. KANE: Do you have a problem with us going that route? It's your application.

MR. LEWIS: No.

MR. KANE: So I would like you guys to present me with a motion and instead of re-establishing it set it up for a use variance at that property for a pre-existing use.

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MR. REIS: I make a motion we set up Mr. Lewis to allow a residential use in a PI zone, a use variance for a residential use in a PI zone at 1113 River Road.

MS. LOCEY: I'll second that motion.

ROLL CALL

MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

PUBLIC\_HEARINGS:

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MT.\_AIRY\_ESTATES\_(05-55)

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MR. KANE: Request for 17 ft. rear yard setback for proposed single-family house at 2029 Independence Drive.

Mr. Tino Calinda appeared before the board for this proposal.

MR. KANE: Can I have a motion to continue this particular hearing, take it up off the table?

MS. LOCEY: I'll make a motion to continue the public hearing on Mt. Airy Estates from our last meeting.

MR. REIS: Secoond it.

ROLL CALL

MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

MR. KANE: Okay, we had some issues with the public last time.

MR. CALINDA: Correct.

MR. KANE: You want to, you're familiar with that?

MR. CALINDA: Yes.

MR. KANE: Prepared to address it?

MR. CALINDA: Yes, what I heard was some of the issues was some drainage situations that we have on the adjacent lots to this house here and what I proposed to

the homeowners was to put in a catch basin before their lots to catch the water before it comes across their lots.

MR. KANE: Have they received that?

MR. CALINDA: No, it's not been installed yet, no.

MR. KANE: How did they receive that?

MR. CALINDA: I feel that they received it pretty well.

MR. KANE: Is there anybody in the audience for this particular hearing tonight? Okay, come on up, I know I said I wasn't going to reopen this one to the public but I changed my mind, especially since he said he spoke to you, so, therefore, I think it reasonable that we hear from you about the conversation and how you felt about it.

MR. PERCY: Pierre Percy, 2658 Liberty Ridge.

MS. PERCY: Stephanie Percy, 2658 Liberty Ridge.

MS. DIAZ: Christine Diaz, 2804 Cherry Tree Way.

MR. KANE: Sorry.

MR. PERCY: I did speak to Tino and he proposed a catch basin and he will run a pipe underneath and tie it to the drainage.

MR. CALINDA: Existing storm water.

MR. KANE: That satisfies?

MR. CALINDA: I did not mention that to Christine.

MR. KANE: How do you feel about that?

MS. DIAZ: He did mention it to me, that sounds great to me if I can use my whole back yard that would be fabulous. I think, you know, my concern wasn't entirely the drainage, I happen to be the property that will be 13 feet from this house, so that's my concern.

MR. KANE: I remember.

MS. DIAZ: In addition--

MR. KANE: Do you remember what I told you? You have a choice, he can either put a house there that will fit the neighborhood or he can go in and just build something that he doesn't need to be here with so you need to tell us how you feel.

MS. DIAZ: I did last time so I'm here to reiterate, I guess, because I wasn't ever contacted by the builder regarding what we had talked about so what I'm wondering is why can't we or can't we push it towards the corner a bit more so that the corner of that home is not just 13 feet from my back yard?

MR. KANE: I'm not going to approve anything that pushes it to towards the corner of an intersection where two streets come in, that's my own opinion on that but I'm only one vote.

MS. DIAZ: Well, even if you pull it towards Cherry Tree Way more.

MR. CALINDA: The only thing this 13 foot will be out in your open space over towards your back yard, your house sits up here, I can see if it was a little closer to the corner of your house.

MS. DIAZ: I'm standing in my back yard, you know, this is it.

MR. CALINDA: This is that catch basin, there's a catch

basin right here that's the property corner there, this is the house is more pushed this way a little bit where it's not going to be affecting so when you put up a fence you're far enough away from this area if you put up a fence but you're far enough where it's not right up on your house, it's more towards the back of your yard.

MS. DIAZ: Where will the house face?

MR. CALLINDA: Towards here.

MS. DIAZ: And the driveway's parallel to our driveway.

MRS. PERCY: The driveway's on your side?

MS. DIAZ: Yes. I have no windows on this side of my house, so I don't care if it's close to the house cause I won't see it but to your point if this is really my yard here in terms of my usable space for playing, entertaining whatever could we do something where we put trees or are we going to have to put a retaining wall because the property does slope down a little bit?

MR. CALINDA: Yes, we'll have, there's a grading plan that will be done on this where no water will be pushed to your yards, if anything, it will be brought to the catch basin here and there's a catch basin also in front of the yard and there's also another catch basin over in here so the water will not be pushed back on your yard cause like you said, your yard is a downward slope towards this house so I'll be taking the water to one of the other catch basins on the property instead of leaving it.

MS. DIAZ: But I'm thinking aesthetically too besides the engineering part of it, you know, if we can do something where we do it where you guys provide a tree, something here.

MR. CALINDA: We can provide a small berm or something like that, like a topsoil berm and you can put some trees on it.

MR. KANE: We can't stay all night just rehashing this so bottom line are you, do you approve of his putting in the catch basins and no problem with the--

MR. PERCY: No problem.

MR. KANE: Ma'am?

MS. DIAZ: Catch basin, sure.

MR. KANE: It's about 17 feet, ma'am, you can't change it, that's what we're talking about. Are you for it or against it? Again, if we don't and we turn it down then he's not forced to put any catch basins in and he can build whatever he wants.

MR. PERCY: Catch basin's already in, right?

MR. CALINDA: Yeah, he's talking about the one that I'm going to add in.

MR. KANE: Talking about the one that he's going to add in to help with the drainage, we can't, we lose our power to force him to do that.

MS. DIAZ: So there's no, cause when we left last week, I had proposed the idea about moving the house towards the corner and it wasn't, it was bounced back and forth amongst the members I think so it wasn't clear though that was absolutely not an option.

MR. KANE: Nobody said it's not an option, I said I was against it, there's three other members here, people to vote, all I'm doing is giving my point of view which is why I'm here.

MS. DIAZ: I appreciate that, that's why I'm asking the question, I don't understand how this necessarily works, so the concern is by pushing it this way it blocks corner traffic view.

MR. CALINDA: You have a triangle view, you can't really come into, for the car coming down Cherry Tree Way.

MS. DIAZ: Can't see what's coming the other way.

MR. KANE: Not going to move it any closer to that corner.

MR. CALINDA: You have 12 foot setbacks between your neighbor's houses on the sides there's 12 feet, it's not going to really throw it out, I mean, it's not right up near your house on this side, it's out into both of your way back yards.

MR. KANE: Okay.

MRS. PERCY: Is this going to be a two car garage house?

MR. CALINDA: Standard Laurel, it's not the smallest house in the development, it's not the biggest, it's about 2,300 square feet, nice size house and it will be two car, side will come in off Cherry Tree.

MR. KANE: Okay.

MR. CALINDA: We have a couple of those in the development already, it's not something out of the ordinary.

MR. KANE: Okay.

MR. PERCY: Now that he's taking care of the drainage I'm not concerned about this, I'm more concerned about



the other property.

MR. KANE: Coming up next, thank you. At this point, I'll close the public portion of the hearing, bring it back to the board and I'll accept a motion unless there's some other questions.

MR. REIS: No questions.

MS. LOCEY: I do want to make sure that the 13 feet is similar to other distances between both of these property lines.

MR. KANE: Yeah, my development is 12 foot on the property line, all of Butterhill is 12 foot.

MR. BABCOCK: The side yard is coming down Cherry Tree Lane, this lady's house which is next to that all the side yards if their Independence Road wasn't there, the requirement's 13 feet, the requirement's 12 feet, excuse me, so all these houses are built with 12 foot side yards.

MR. KANE: I'll accept a motion.

MR. BROWN: I'll make a motion.

MR. REIS: Excuse me, we talked about a possible berm, is that going to be part of this?

MR. KANE: No, what's going to be part of it is the catch basin.

MR. CALINDA: Catch basin, yes, one property up between lots 77 on the corner of 77-1-10, 77-1-11 and 77-1-13.

MR. BABCOCK: Mr. Chairman, I think the berm could cause some possible more drainage problems.

MR. KANE: I'm not for it, I think the catch basins

will handle it. All you're doing is stopping the water and it's going to puddle on the other side of the berm.

MR. KRIEGER: So that I understand so the catch basin would be a condition?

MR. KANE: Yes.

MR. BROWN: Make a motion that we set up, we grant the Mt. Airy Estates request for 17 foot rear yard setback for proposed single-family house at 2029 Independence Drive corner lot in an R-3 zone.

MS. LOCEY: Subject to the construction of a catch basin prior to.

MR. REIS: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

MT.\_AIRY\_ESTATES\_(05-56)

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MR. KANE: Request for 17 ft. rear yard setback for proposed single-family house at 2657 Liberty Ridge in an R-3 zone.

Mr. Tino Calinda appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MR. CALINDA: What we're trying to propose here is basically the same thing, taking 17 feet of the setback and the thing that's different about this house is that the house to the left of it he has the double lot there with the big back yard, so what we did was we lined this one up in line with his and with 13 foot setback just in the corner there on the back left-hand corner would bring us in most likely on the rest of the same thing with the rest of the houses as you go up, so it just runs with the rest of the houses and you still have your 25 foot setback in the front and because there's another frontage on the other side you still have your 25 foot setback.

MR. KANE: Actually that leaves the 13.2.

MR. CALINDA: On the left-hand side which if you consider that as a side of the house but because this was a corner lot and we're making the back yard facing Independence.

MR. KANE: If this wasn't a corner lot, he wouldn't be here?

MR. BABCOCK: That's correct. If you look at where it says lot 70 and 68 that dark line where the 13 foot goes to that's the side yards for the houses next door, they're only required to be 12 foot off that line, he's required to be 30 because of the corner lot.

MR. KANE: Any questions at this point? Okay, I'll open it up to the public on the second piece of property, do you have a question, ma'am?

MRS. PERCY: No.

MR. KANE: This is for the property you were talking about. Your question is?

MR. PERCY: What type of house?

MR. CALINDA: This will be a Chesapeake which we have plenty on these.

MR. PERCY: We're very concerned about the aesthetic affects.

MR. CALINDA: Square foot will be 24.

MR. KANE: Aesthetically.

MR. CALINDA: This will be facing your house with a side load entry garage.

MRS. PERCY: So they're coming in off this street?

MR. CALINDA: No, coming in of Liberty Ridge, your driveway's over here and theirs is down here.

MRS. PERCY: All right.

MR. KANE: No problems?

MRS. PERCY: That one's bigger than the one behind me.

MR. KANE: No problems?

MR. PERCY: No.

MR. CALINDA: But only by--

MR. BABCOCK: It's a different shape.

MR. KANE: That's why they're here because it's a corner lot, otherwise, they wouldn't even be here and in their zone this is bigger, the 13.2 than the 12 on your other property lines. Thank you. I'll close the public portion of the hearing, bring it back to the board.

MR. REIS: Does this have a garage under the house?

MR. CALINDA: No, not garage under.

MR. REIS: Attached?

MR. CALINDA: Yes, it's attached, what I mean by garage under is it be dipping down, no, it will not be dipping down.

MR. KANE: Creating any easements running through this property?

MR. CALINDA: No, only, no, there's no easements on this property, no.

MR. KANE: Any drainage problems here?

MR. CALINDA: No, not on this property.

MR. BABCOCK: Just for clarification, this house does have a two car garage within it.

MR. CALINDA: Correct.

MR. BABCOCK: So Mike your answer is yes, it is a garage under, there's living space above the garage, is that what you were asking?

MR. REIS: Yes, that's what it appeared to be, thanks.

MR. KANE: Any further questions?

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I'll make a motion that we grant Mt. Airy Estates the request for 17 foot rear yard setback for proposed single-family house at 2657 Liberty Ridge,

MS. LOCEY: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

ROBERT\_KIRO\_(05-60)

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MR. KANE: Request for 27 ft. rear yard setback for proposed rear deck at 7 Stonecrest Drive.

Mr. Robert Kiro appeared before the board for this proposal.

MR. KANE: Same thing we did in the preliminary hearing, you want to tell us exactly what you want to do.

MR. KIRO: What I'm doing I'm going to cantilever two feet beyond the existing porch line.

MR. KANE: So you're replacing a deck there that was an existing deck and you have a pair of sliders coming out of the house and without a deck there you would consider it a safety hazard?

MR. KIRO: Yes.

MR. KANE: Cut down any trees, substantial vegetation in the building of the deck?

MR. KIRO: No.

MR. KANE: Will you be creating any water hazards or runoffs?

MR. KIRO: No.

MR. KANE: The deck itself is similar in approximate size to other decks that are in your neighborhood?

MR. KIRO: Yes.

MR. KANE: There's no easements running through where the deck is, the proposed deck?

MR. KIRO: No.

MR. KANE: Any questions at this point?

MR. REIS: Mr. Kiro, the photos that you made available to us and thank you shows the start of this proposed deck?

MR. KIRO: Yes, it's there, its waiting to be finished.

MR. REIS: Thank you, okay.

MR. KANE: At this point then I will open it up to the public, see if there's anybody here for this particular meeting. Nobody cares. We'll close the public portion or it bring it back to the board. Any further questions? I'll accept a motion.

MS. LOCEY: I will offer a motion to on the application of Robert Kiro to grant his request for a 27 foot rear yard setback for a proposed rear deck at 7 Stonecrest Drive in an R-4 zone.

MR. BROWN: Second the motion.

ROLL CALL

MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE



MICHAEL\_BUSWEILER\_(05-61)

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MR. KANE: Request for 9 ft. side yard setback and 9 ft. rear yard setback for proposed 12 ft. x 18 ft. shed at 219 Dairy Lane.

Mr. and Mrs. Michael Busweiler appeared before the board for this proposal.

MR. KANE: Same as in the preliminary, tell us what you want to do.

MR. BUSWEILER: I wish to put a 12 x 18 shed 3 feet off my property line.

MR. KANE: Can you tell us why you want to put it in that particular area since there's no other spot on your yard that would be convenient for you to build that shed?

MR. BUSWEILER: Correct, the yard isn't that big to begin with, it's less than a half acre and I believe 12 or 15 feet off all the fences would put it right next to my pool.

MR. KANE: Since you can't have anything within 4 feet of your pool, that would be a safety issue?

MR. BUSWEILER: Yes.

MR. KANE: Any easements where the proposed shed is going to go?

MR. BUSWEILER: No.

MR. KANE: Cutting down any substantial vegetation or I'm not crazy, I see the pictures, but I have to ask those questions, creating any water hazards or runoffs?

MR. BUSWEILER: No.

MR. KANE: Shed is similar in size and nature to other sheds in your neighborhood?

MR. BUSWEILER: Yes.

MR. KANE: At this point, I will ask the public is there anybody here for this particular hearing? Seeing there's not, we'll close the public portion, bring it back to the table. Board members, do you have any questions?

MR. REIS: The fence in the photos, is that your fence?

MR. BUSWEILER: My fence.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I make a motion that we grant Michael Busweiler his request for 9 foot side yard setback and 9 foot rear yard setback for proposed 12 x 18 shed on 219 Dairy Lane.

MR. BROWN: Second the motion.

ROLL CALL

MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

LOUIS\_LUPINACCI\_(05-62)

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Mr. William Hildreth appeared before the board for this proposal.

MR. KANE: Request for 27.5 ft. minimum lot width for lot #1 and lot #2 of proposed two-lot residential subdivision on Lake Road.

MR. HILDRETH: My name is William Hildreth, I'm a surveyor who prepared the subdivision plan that we're going to be looking at for this public hearing. Okay, a little bit about the property first it's located on the west side of Lake Road, if you look at the location plan in the corner, it's about midway between the railroad bridge that goes over the railroad towards Beaver Dam Lake about halfway between there and Vidi Drive, which is a private road, property's 5.1 acres, currently vacant, it has been since it was subdivided, it became a lot in 1970, I wrote it down, 1978, the Gina Napola subdivision. At the time that was done, the large 5 acre lot said 20 year no further subdivision restriction which obviously ceased to exist in 1998. The current owner, Mr. Lupinacci, bought it in 1985, what he proposes to do is subdivide it into two lots. Our map shows basically a line going right down the middle cut it in half. The reason we're here for the variance is current lot width requirement due to the latest zoning upgrades is 175 feet, we have 147 1/2. At this time, I would like to explain to the board it is possible to get two lots here without a variance and the reason is if you look at the northwest corner, we have some frontage on the very end of Vidi Drive so I had the engineers who are working on the septic system draw up a map and I have highlighted it and what you would end up with is a lot that's somewhat tortured, the thing here is the colored lines instead of being right down the middle it would follow this red line. The reason is we would be providing required lot width in the back up against the frontage that's on

Vidi Drive for that lot and required lot width on Lake Road here it would restrict the building envelope for this lot, it would force the house farther back on that lot. Basically what we want to do is create two lots of reasonably equal value and ability to construct a single-family home and the subdivision as we propose it which requires a variance is actually more in keeping with other lots that are in the area. There's a proposed subdivision across the road. Mike, do you know if that one's gone through or not? I have the subdivision plan.

MR. BABCOCK: No, Kelly Estates is not stamped, is it?

MS. MASON: No.

MR. HILDRETH: But there again the two lots we're creating is in keeping with what's been proposed across the street, although that hasn't been approved yet and it just makes two lots of more equal development potential rather than forcing a house to be too small or farther back from the road than is really warranted. Topographically there's a slight ridge to the west of the road then it slopes down all the way to Vidi Drive in the back. We would propose no access off Vidi Drive, both homes would come off Lake Road, all of the other zoning bulk requirements are met or exceeded for this. It's basically overgrown and wooded right now, it was a pasture 40 years ago and hasn't been touched since.

MR. KANE: Makes sense to square it off rather than the wiggly lines.

MR. KRIEGER: What's on either side?

MR. HILDRETH: Houses, there's a house here and house here and if you look at the lot configuration I believe there's houses everywhere except maybe this one in the back, I'm not too sure, tax lot 97.

MR. KRIEGER: And these two proposed lots would be similar in size and nature to the other lots in the neighborhood?

MR. HILDRETH: Well, as you can see, all the Nina Napola lots were around five acres, this one would now be 2 1/2, that's larger than the 4 lots that were created at the time the Napola subdivision went in and these two lots at this size are in keeping with what's proposed across the road for Kelly Estates except for the lot width but the acreage is fair.

MR. KANE: At this point, I will ask if there's any public in the audience for this particular hearing? Please state your name and address.

MR. JONZA: August Jonza, J-O-N-Z-A, 22 Vidi Drive. We haven't seen the plans where the houses are going to go where the road right-of-ways are going to go and we were wondering if any traffic is going to come onto Vidi Drive which is now over.

MR. KANE: Show him the options.

MR. HILDRETH: Correct, if you look obviously if you live at there you're familiar with the configuration, this is Vidi Drive, this is Lake Road, these two lots, the houses are going to go up here with driveways off Lake Road, no access off Vidi Drive, none.

MR. KANE: Show him the, if you wanted to do it without a variance.

MR. JONZA: You're talking about an option to put one house behind the other?

MR. HILDRETH: Okay, it wasn't so much an option as it was an explanation as to why we'd like to have the variance.

MR. JONZA: Where are the entrances going to be?

MR. KRIEGER: The way this works is if the variances are granted, then the houses are closer to the road and they only exit off Lake Drive.

MR. JONZA: With the long corridor of property.

MR. KRIEGER: What he's looking for if they're not granted he's going to show then Vidi Drive comes into play, he doesn't need the permission of this board to do that, he doesn't want to do that.

MR. HILDRETH: Vidi Drive would only come into play because we would be using the fact that there's frontage here to make this lot compliant in which we would still have the driveways off Lake.

MR. KANE: But technically they can put a driveway from Vidi.

MR. HILDRETH: They could.

MR. JONZA: That's the problem with the frontage because right now there's more traffic on the road.

MR. KANE: But do you understand what he's saying?

MR. KRIEGER: If he gets what he's asking for Vidi Drive is out.

MR. JONZA: I think mostly everybody's concern is where are the driveways are going.

MR. HILDRETH: Lake Road. The driveways are going to come off Lake Road in front of each house.

MR. JONZA: Where are the houses going to be?

MR. HILDRETH: Basically in the center of each lot.

MR. BABCOCK: I have a map here, this is where the proposed houses are.

MR. KANE: Bottom line comes down is that he's trying to square the lots off, that's why he's here, so he can have both entrances on Lake Drive. I need to get opinions from everybody here, we're not going to spend two hours having minimal conversations around--okay, I need your name and address and if you, do you understand what he's doing? He wants to build two lots to square them off he needs a variance to do that, both driveways will be on Lake Road, okay, no entrance from Vidi. If he gets turned down, he can get two building applications, make a lot that goes like this, probably still have two entrances on Lake but they have a right to put an entrance on Vidi and he doesn't need anybody's permission. So what he's trying to do is stop the weird lots in New Windsor and just square it off. So what I'd like to do is that just get your name and address and whether you're for or against.

MR. LATOUCHE: My name is Paul Latouche (phonetic), I live on 325 Lake Road.

MR. KANE: For the proposal, against the proposal?

MR. LATOUCHE: I'd like to see a little more so right now I'd have to say opposed.

MS. RYAN: Patricia Ryan, 301 Lake Road. I have to agree, I'd like to see more so right now I would be opposed, I'd have to see more.

MR. KANE: So you guys understand, there's no see more, the vote goes down tonight, there's no see more, this is seeing. Where are you going to see more about? The proposal gets voted on either yeah or nay tonight, gets voted down then they go and do their thing, if we

approve it, then it's two square lots.

MR. HILDRETH: Are you talking about you want to see what kind of house is being built?

MR. LATOUCHE: I'm just concerned about the driveway situation.

MR. HILDRETH: With respect to Vidi Drive or?

MR. REIS: For the record, this lady's got to get it down so speak up so she can hear it.

MR. KANE: Can't be private conversations, you have to speak up, ask your questions.

MR. LATOUCHE: I'm knew to this so--

MR. HILDRETH: Driveways for the proposed homes will be off of Lake Road only and in front of the lot and they'll go to either a front entry or side entry garage depending on what kind of house is built on the lots, we aren't that far in the process, I don't think my applicant is going to build the homes, so we don't have house plans but the driveways would come in a normal sense off the road straight into the house.

MR. KANE: We need to continue, I've gotten your opinion, I have your opinion. Sir in the white your name, address?

MR. FOLEY: Robert Foley, F-O-L-E-Y, 333 Lake Road, with these more houses coming onto Lake Road and what originally it was at 30 miles an hour, now it's close to 40 miles per hour, do you think that they'd be able to lower that?

MR. KANE: It's not part of our realm here, that's, you would go to the planning board, whenever they decide to do that and the public hearing if they ever decide to



build right now they're not going to build anything from what I know, just dividing the property. For or against?

MR. FOLEY: For, for the moment, yes, for.

MR. KANE: Anybody else? Excuse me, we're having a meeting, we're up here, anybody else want to give me an opinion? Okay then please be seated. Public portion of the meeting is closed. I will ask Myra how many mailings we had.

MS. MASON: On the 25th of October, I mailed out ten addressed envelopes and had no response.

MR. KANE: Any further questions from the board? I'll accept a motion.

MS. LOCEY: I will offer a motion regarding the application of Louis Lupinacci to grant the request for 27.5 foot minimum lot width for lot number 1 and lot number 2 of a proposed 2 lot subdivision, residential subdivision on Lake Road in an R-1 zone.

MR. REIS: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

MELNIK, JR. & M. MANDEL (05-68)

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Ms. Marsha Mandel appeared before the board for this proposal.

MR. KANE: Request for interpretation and/or variance for a two-family dwelling or a dwelling with two kitchens at 298 Lake Road.

MS. MANDEL: Marsha Mandel, 298 Lake Road. We would like to make the ground floor of our house easily accessible and livable for a family member with a kitchen, bathroom downstairs so we would like to under where there's a sun room we want to put a slab, there are currently stilts there and gravel, we would like to just put a slab there so we can leave everything else the way it is pretty much and just make it so it's everything that's needed there.

MR. KANE: No intention of making this into a small apartment?

MS. MANDEL: You mean like to rent it to somebody else? No, not ever, no, family.

MR. KANE: It's your intention that--

MR. KRIEGER: You bought it as a single family house and it's a single family house and market it as a single family house?

MS. MANDEL: Always be a single family house.

MR. KANE: The home itself, the gas and electric all the power will be on one meter?

MS. MANDEL: Everything is on one, if any in the future whatever point it might be sold, I don't know if that's going to be 50 years from now or whatever, I think it would be ideal for somebody that's in a similar

situation with us that has a family member that you know would need this kind of setup.

MR. KANE: Will you be creating water hazards or runoffs with the building?

MS. MANDEL: No.

MR. KANE: Cutting down any trees or substantial vegetation?

MS. MANDEL: Just putting some gravel.

MR. KANE: Any easements running through the area where you intend to build?

MS. MANDEL: No.

MR. KANE: And where this is going to go underneath the overhang you really are using space that's already used by the house?

MS. MANDEL: Right, exactly.

MR. KANE: Keeps the house in similar size and nature to other homes in your neighborhood?

MS. MANDEL: Yes.

MR. KANE: At this point, I will ask the public if there's anybody here for this particular meeting? Seeing there's not, we'll close the public portion and ask Myra how many mailings we had.

MS. MASON: On October 25, I mailed out 37 envelopes and had no response.

MR. KANE: Any other questions?

MR. REIS: Accept a motion?

MR. KANE: I will.

MR. REIS: Make a motion that we grant Melnik and Mandel their request for allowing two kitchens in a single family dwelling that will remain a single family dwelling at 298 Lake Road.

MS. LOCEY: I will second that motion.

ROLL CALL

MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

HARRY\_TOROMANIDES\_(05-65)

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Mr. Harry Toromanides appeared before the board for this proposal.

MR. KANE: Request for 12 ft. 6 in. variance for proposed second floor addition that will project closer to the road than original house at 10 Hickory Avenue. Tell us what you want to do again.

MR. TOROMANIDES: Proposing a second floor addition with two feet closer to the road on the front of the house.

MR. KANE: And when if you were granted the proposed addition will the home extend closer to the road than any of the homes that are on your side of the street?

MR. TOROMANIDES: No.

MR. KANE: With the additional it keeps the home similar in size and nature to other homes that are in your neighborhood?

MR. TOROMANIDES: Yes.

MR. KANE: Creating any water hazards or runoffs?

MR. TOROMANIDES: No, sir.

MR. KANE: Cutting down trees or substantial vegetation?

MR. TOROMANIDES: No.

MR. KANE: Any easements running through the area?

MR. TOROMANIDES: No.

MR. KANE: At this point, I will open the public

portion and seeing as there's nobody here we'll close it and ask Myra how many mailings we had.

MS. MASON: On the 27th of October, I mailed out 80 envelopes and no responses.

MR. KANE: I have no further questions. Anybody else have any further questions? I'll accept a motion.

MS. LOCEY: I will over a motion to grant on the application of Harry Toromanides grant his request for 12 foot six inch front yard variance for proposed second floor addition that will project closer to the road than the original house at 10 Hickory Avenue in an R-4 zone.

MR. BROWN: Second the motion.

ROLL CALL

MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

FORMAL DECISIONS:

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1. CARLONE
2. BOUSCHE
3. NICOLOSI
4. MILANO
5. VENCE
6. LANDMASTER
7. AUGUST
8. OMAT
9. SMALLWOOD
10. AUSTIN
11. TRAMONTANO
12. MULLEAVY
13. M & Y BUILDERS
14. AMERADA HESS

MR. KANE: On the formal decision, want to take them as one vote?

MR. REIS: Recommend we do them in bulk. I make a motion that we pass the formal decisions for all of the listed applications.

MS. LOCEY: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn?

MR. BROWN: So moved.

MR. REIS: Second it.

ROLL CALL

November 14, 2005

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MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth  
Stenographer